



U.S. Department of Homeland Security

United States Coast Guard

## Fifth Coast Guard District LOCAL NOTICE TO MARINERS

Coastal Waters From Shrewsbury River, New Jersey to Little River, South Carolina

### WEEKLY SUPPLEMENT

September 21, 2004

NIS watchstander, 24 hours a day at (703) 313-5900

INTERNET ADDRESS

[HTTP://www.navcen.uscg.gov](http://www.navcen.uscg.gov)

Weekly supplemental editions contain new information only available following the monthly edition. NOTE: Chart corrections and Light List changes appear only once each. A complete listing of current discrepancies and temporary changes appear in each issue. The **Local Notice to Mariners** is updated each Wednesday on the U.S. Coast Guard Navigation Center website at [www.navcen.uscg.gov/lnm/d5](http://www.navcen.uscg.gov/lnm/d5). If you have questions about the LNM, contact:

**COMMANDER, FIFTH COAST GUARD DISTRICT (oan)**  
**431 Crawford Street, Portsmouth, Virginia, 23704-5004**  
**Telephone (Day): (757)-398-6486. 24 Hour FAX: (757) 398-6303**

### BROADCAST NOTICE TO MARINERS

This section contains corrections to federal and private maintained Aids to Navigation, as well as NOS corrections. Navigation information having been of immediate concern to the Mariner and promulgated by the following **Broadcast Notice to Mariners (BNM's)** have been incorporated in this notice when still significant at the date of this publication.

CCGD5 (D5)	<b>D5</b>	358-4, 359-04, 398-04, 399-04, 406-04 THRU 412-04, 418-04 THRU 430-04.
Group Philadelphia	<b>PH</b>	320-03, 321-03, 026-04, 045-04, 101-04, 178-04, 208-04, 215-04, 224-04, 231-04, 265-04, 294-04, 309-04, 313-04, 318-04, 321-04, 322-04, 323-04.
Group Atlantic City	<b>AC</b>	341-04, 342-04, 354-04 THRU 357-04.
Activities Baltimore	<b>BA</b>	639-04 640-04, 651-04, 653-04, 654-04, 659-04, 667-04, 670-04, 679-04, 680-04, 696-04, 701-04, 703-04, 704-04, 710-04, 712-04 THRU 718-04, 720-04, 722-04, 726-04, 732-04, 738-04, 739-04, 741-04, 745-04, 746-04, 747-04, 750-04, 751-04, 756-04, 758-04, 759-04, 760-04, 762-04, 763-04, 766-04, 769-04, 770-04, 772-04 THRU 775-04.
Group Eastern Shore	<b>ES</b>	136-04 THRU 140-04, 143-04, 146-04, 147-04.
Group Hampton Roads	<b>HR</b>	423-04, 428-04, 434-04 435-04, 436-04, 439-04, 440-04, 442-04 THRU 446-04.
Group Cape Hatteras	<b>CH</b>	172-04, 173-04.
Group Fort Macon	<b>FM</b>	344-04, 358-04, 360-04, 361-04, 369-04, 370-04, 371-04.

### REFERENCES

Light List Reference: **ATLANTIC COAST, VOLUME II, COMDTPUB P16502.2, 2004 Edition**

**U.S. Coast Pilot 3, Atlantic Coast: Sandy Hook to Cape Henry (37<sup>th</sup>) Edition**

**U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West (35<sup>th</sup>) Edition**

All bearings are in degrees TRUE – All times are in Local Time unless otherwise noted.

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## NAVIGATION INTERNET SITES

Chart Corrections:	<a href="http://chartmaker.ncd.noaa.gov">http://chartmaker.ncd.noaa.gov</a> and <a href="http://www.maptech.com">http://www.maptech.com</a>
2004 Light List/ Summary of Corrections	<a href="http://www.navcen.uscg.gov/pubs/LightLists/LightLists.htm">http://www.navcen.uscg.gov/pubs/LightLists/LightLists.htm</a>
Coast Pilot Corrections:	<a href="HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm">HTTP://nauticalcharts.noaa.gov/nsd/cpdownload.htm</a>
D5 LNM on Internet/Archived Back Issues for 2004:	<a href="HTTP://www.navcen.uscg.gov/lnm/d5">HTTP://www.navcen.uscg.gov/lnm/d5</a>
Chesapeake Bay Weather Buoys:	<a href="Http://www.cbos.org/client.cgi">Http://www.cbos.org/client.cgi</a>
NOAA Weather Buoy sites:	<a href="http://seaboard.ndbc.noaa.gov/Maps/wrldmap.shtml">http://seaboard.ndbc.noaa.gov/Maps/wrldmap.shtml</a>
Tides On Line:	<a href="http://www.tidesonline.nos.noaa.gov">http://www.tidesonline.nos.noaa.gov</a>
Tides, Currents, PORTS:	<a href="http://www.co-ops.nos.noaa.gov">http://www.co-ops.nos.noaa.gov</a>
ACOE Wilmington NC Navigation Link for NC portions Of the AAICW and coastal inlet depths (updated weekly)	<a href="http://www.saw.usace.army.mil/nav/Depths/shoaling3-10-04.pdf">http://www.saw.usace.army.mil/nav/Depths/shoaling3-10-04.pdf</a>
Weather:	<a href="http://www.intellicast.com/">http://www.intellicast.com/</a>
LANTAREA/ District 5 Local Notice To Mariners for correspondence:	<a href="http://d5local@lantd5.uscg.mil">http://d5local@lantd5.uscg.mil</a>

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### **I. SPECIAL NOTICES:** This section contains information of special concern to the Mariner.

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#### **FIFTH COAST GUARD DISTRICT WATERS – INCREASED THREAT LEVEL**

The U.S. Coast Guard is asking for assistance from all mariners to be on the lookout while they are transiting the local waterways. The Department of Homeland Security (DHS) and the U.S. Coast Guard are asking you to report any suspicious or peculiar activity that you may observe. Please make all reports to the U.S. Coast Guard via VHF-FM CH 16 or by using your cell phone to dial 911, the National Response Center (NRC) at 1-800-424-8802 or to the DHS Watch and Warning unit at (202) 323-3205.

#### **CHESAPEAKE BAY REGULATED NAVIGATION AREA (RNA) REQUIREMENTS FOR PORT ENTRY/TRANSIT/DEPARTURE**

Mariners have been advised that there has been an amendment to the **Chesapeake Bay Regulated Navigation Area**, which requires all vessels 300 gross tons, and over, including tug and barge combined, to obtain permission prior to entering, departing, and/or moving within the **Regulated Navigation Area**. To obtain permission, vessels shall contact the **Joint Harbor Operations Center (JHOC)** prior to entry or movement via Channel 12, or 13/16 VHF-FM and relay vessel documentation number, IMO number or VIN for verification. This includes entries from offshore, James River, Chesapeake Bay or Intracoastal Waterway. Alternate JHOC phone numbers are (757) 444-5210/5209. If the JHOC cannot be reached, the Captain of the Port (COTP) Command Duty Officer may be reached at (757) 668-5555.

#### **REQUIRED BALLASTWATER MANAGEMENT REPORTS FOR VESSELS OPERATING OUTSIDE THE EEZ**

Mariners are reminded that in accordance with 33 CFR 151.2040, all vessels which carry ballast water, including residual ballast water and sediments, are asked to submit a Ballast Water Management Report after operating outside the EEZ at their first port of call in U.S. waters. These reports may be transmitted electronically to <http://invasions.si.edu/ballast.htm>, e-mailed to [ballast@serc.si.edu](mailto:ballast@serc.si.edu), faxed to Commandant, U.S. Coast Guard, c/o the NBIC at **301-261-4319**, or mailed to U.S. Coast Guard, c/o Smithsonian Environmental Research Center (SERC), P.O. Box 28, Edgewater, MD 21037-0028.

#### **NJ & PA – UPPER DELAWARE - DELAWARE RIVER – BRIDGE RESTRICTIONS**

The Coast Guard has authorized New Jersey Transit to restrict the operation of the Delair Railroad (vertical-lift) Bridge, at mile 104.6, across the Delaware River, in Philadelphia, Pennsylvania. To facilitate replacement of bridge timbers, the bridge will be maintained in the closed-to-navigation position each day from 8 a.m. to 4 p.m. on ten consecutive Mondays: on **September 27** and on **October 4, 11, 18, and 25**; and on **November 1, 8, 15, and 22, 2004**. At all other times, the bridge will operate in accordance with the current operating regulations outlined in 33 CFR 117.716. The available vertical clearance in the closed-to-navigation position is approximately 49 feet at Mean High Water (MHW) and 55 feet at Mean Low Water (MLW). Mariners able to pass under the closed span are advised to exercise extreme caution when transiting the area. **Chart: 12314.**

#### **NJ-PA-DELAWARE RIVER-DELAWARE BAY – NAVAL VESSEL PROTECTIVE SECURITY ZONE**

All mariners are advised a Naval Vessel Protective Security Zone exists around the USNS MENDONCA and the USNS SEAY while moored at Tioga Marine Terminal Philadelphia, PA. All vessels shall maintain 100 yards distance from the USNS MENDONCA or USNS SEAY while it is underway, moored or anchored. All mariners are requested to operate at a minimum speed necessary to maintain a safe course within 500 yards of the USNS MENDONCA OR USNS SEAY and are reminded to use caution when transiting near the vessels. This action is necessary to provide for the safety and security of the vessels. The U.S. Coast Guard and local law enforcement agencies will be enforcing the fixed Naval Vessel Protective Security Zone. All mariners are requesting to operate within 100 yards of the USNS MENDONCA or USNS SEAY should contact the USNS MENDONCA or USNS SEAY VIA VHF Channels 13 OR 16. **Charts: 12312 & 12314.**

#### **NJ – DE – PA – DELAWARE RIVER – REEDY ISLAND – HAZARD TO NAVIGATION**

There has been an anchor and wire lost in the vicinity of Reedy Island Anchorage #3 in position 39°-30'.6N, 075°-32'.6W. Mariners are advised to use extreme caution while transiting this area. **Chart: 12311.**

#### **MD – UPPER CHESAPEAKE BAY – PATAPSCO AND SEVERN RIVERS – WATERWAY RESTRICTION**

Mariners are advised that on Tuesday, **October 26, 2004**, a dead ship tow of the U.S.S. Constellation is scheduled to occur on the waters of the upper Chesapeake Bay and its tributaries from Pier 1, Inner Harbor, Baltimore, Maryland to the U. S. Naval Academy seawall, Annapolis, Maryland. On Monday, **November 1, 2004**, a return dead ship tow is scheduled to occur from Annapolis, Maryland to Baltimore, Maryland. The event consists of a dead ship tow of the historic Sloop-of-War, with a saluting battery off Fort McHenry National Monument and Historic Site. A temporary safety zone becomes effective from **7 a.m. to 5 p.m. on Tuesday, October 26, 2004** and from **7 a.m. to 5 p.m. on Monday, November 1, 2004**. This moving safety zone, on all waters of the upper Chesapeake Bay and its tributaries within 200 yards ahead of and 100 yards outboard and aft of the U.S.S. Constellation while operating, is established for the safety of life and property on navigable waters during the event. If you have any questions please contact Mr. Ronald Houck, U.S. Coast Guard Activities Baltimore at (410) 576-2674.

#### **MD – CHESAPEAKE BAY – APPROACHES TO BALTIMORE HARBOR – HAZARD TO NAVIGATION**

There has been an anchor and 400 feet of chain lost in General Anchorage #3 in approximate position 39°-14'-44".6N, 076°-33'-08".8W. Mariners are urged to use extreme caution when transiting the area. **Chart: 12281.**

#### **MD-VA-DC-POTOMAC RIVER-MATTAWOMAN CREEK TO GEORGETOWN – SECURITY ZONES**

Mariners are advised that due to heightened security alert conditions in and near Washington, DC, the Coast Guard has established temporary security zones upon the waters of the Potomac River. These security zones will remain in effect until **November 30, 2004**. The areas include: (A) for all persons or vessels engaged in commercial service, all waters of the Potomac River, surface to bottom, from the Woodrow Wilson Memorial Bridge upstream to the Long Railroad Bridge, including the waters of the Anacostia River downstream from the Highway 50 Bridge to the confluence with the Potomac River. Vessels engaged in commercial service must contact the Captain of the Port (COTP) Baltimore or his designated representative by telephone at (202) 767-1194, or U.S. Coast Guard Station Washington, D. C. on VHF-FM Channels 16 or 23A for authorization prior to entering or moving within this security zone, (B) for all other persons or vessels, all waters of the Georgetown Channel, Potomac River, surface to bottom, from the Long Railroad Bridge upstream to the Francis Scott Key Bridge. Vessels are allowed to enter, move within, or remain in this security zone, only with the authorization of the COTP Baltimore. **Chart: 12289.**

#### **MD-CHESAPEAKE BAY-SEVERN RIVER-SPA CREEK – ANNAPOLIS BOAT SHOW**

Annapolis Boat Shows, Inc. will conduct its annual U. S. Sailboat and Powerboat Shows in Annapolis Harbor from **Thursday, October 7** through **Sunday October 17, 2004**. In support of these events, temporary pilings, floating docks and submerged electrical cables will be placed in the northwestern quadrant of Annapolis Harbor beginning on **Monday, October 4, 2004**, and will remain in place through **Wednesday, October 20, 2004**. In addition, mariners are advised that special anchoring restrictions in the harbor will be in affect in the event of severe weather during this period. For any comments or questions, contact the Annapolis City Harbormaster's office, on marine radio VHF-FM Channel 17, or at telephone number (410) 263-7973. **Chart :12283.**

#### **MD-CHESAPEAKE BAY-HEAD OF CHESAPEAKE BAY-ABERDEEN PROVING GROUND RESTRICTED AREA-HAZOPS-FIREX**

MARINERS ARE ADVISED THAT IN ADDITION TO THE NORMAL PUBLISHED CLOSURE TIMES FOUND IN TITLE 33 CODE OF FEDERAL REGULATIONS PART 334.140, THE FOLLOWING PORTIONS OF THE ABERDEEN PROVING GROUND (APG), MD RESTRICTED AREA WATERS WILL BE CLOSED TO NAVIGATION, FISHING, AND CRABMING ACTIVITIES DUE TO FIRING HAZARDOUS TO SURFACE VESSELS: FROM **6 PM TO 11 PM ON 21 SEP 04**, WITHIN THE EASTERN PORTION OF THE RESTRICTED AREA FROM BLACK POINT TO TAYLOR ISLAND POINT, AND FROM **6 PM TO 11 PM ON 23 SEP 04**, WITHIN THE BUSH RIVER FROM BUSH RIVER WRECK LT WR6 (LLNR 27330) TO THE RESERVATION LINE. MILITARY TRAINING REQUIREMENTS DICTATE THIS CLOSURE, AND THERE MAY BE UNANTICIPATED CHANGES DUE TO CHANGES IN THE TRAINING SCENARIO. APG PATROL BOATS WILL BE POSITIONED IN THE AFFECTED AREA OF THE RESTRICTED WATERS. VESSEL TRAFFIC WILL ONLY BE PERMITTED THROUGH CONTACT WITH THESE PATROL BOATS. MARINERS ARE REMINDED THAT OPENING OF THE RESTRICTED ZONE TO THE PUBLIC GRANTS THEM NAVIGATION AND FISHING PURPOSES ONLY. LANDING VESSELS OR PERSONS ON THE SHORELINES OR ISLANDS WITHIN THE RESTRICTED AREA WATERS IS PROHIBITED AT ALL TIMES. MARINERS ARE ALSO DIRECTED NOT TO HANDLE OR ATTEMPT TO REMOVE ANY REMNANTS FROM THE WATERS OR BEACHES, AS THESE MAY BE EXTREMELY DANGEROUS ITEMS. INTERESTED PERSONS MAY CONTACT THE RANGE OFCR AT PH 410-278-2215.

#### **VA/MD – POTOMAC RIVER – WOODROW WILSON BRIDGE – BRIDGE INFO**

Mariners are advised that construction of the new Woodrow Wilson Memorial Drawbridge across the Potomac River, mile 103.8, between the City of Alexandria, Virginia and Oxon Hill, Maryland is ongoing until 2010. Excessive speed and wake by boaters may cause serious or fatal incidents to the Bridge project. It is crucial that mariners obey the speed restrictions and eliminate wakes through the work zone due to the sensitive and precise nature of the work and for worker safety. A temporary floating/sliding bridge will be in place in the waterway during drawbridge construction until further notice. There will be intermittent day-time channel restrictions as a result of the floating bridge and mariners are urged to listen to the BNM's for updates of it's position in the waterway. Mariners are also urged to use extreme caution when transiting this area for work barges, exposed piles, and anchor buoys. For further information and updates to construction operations, contact Mr. Mike Baker, Environmental Construction Manager for the Woodrow Wilson Bridge Project at 301-567-0094 Ext 242 or visit the Project's website online at [www.wilsonbridge.com](http://www.wilsonbridge.com). **Charts: 12285 & 12289.** Bridge. **Chart 12207.**

#### **MD SAFETY BROADCAST NOTICE TO MARINERS REQUEST - INTERFERENCE TO THE GPS NAVIGATION SIGNAL 300 NM EAST OF THE MARYLAND COAST**

THE GPS NAVIGATION SIGNAL MAY BE UNRELIABLE DUE TO INTERFERENCETESTING ON THE FREQUENCIES OF M1575 AND M1227 USED IN SHIPBOARDNAVIGATION AND HANDHELD SYSTEMS. GPS SYSTEMS THAT RELY ON GPS, SUCHAS E-911, AIS AND DSC, MAY BE AFFECTED WITHIN A 100NM RADIUS OF POSITION 37-00.0N 070-00.0W AT SEA LEVEL. INTERFERENCE TESTING WILL BE CONDUCTED ON THE FOLLOWING DATES:

28 SEP 04 FROM 1200-1600Z (0800-1200 LOCAL)  
28 SEP 04 FROM 2000-2400Z (1600-2000 LOCAL)  
29 SEP 04 FROM 1200-1600Z (0800-1200 LOCAL)  
29 SEP 04 FROM 2000-2400Z (1600-2000 LOCAL)  
30 SEP 04 FROM 1200-1600Z (0800-1200 LOCAL)  
30 SEP 04 FROM 2000-2400Z (1600-2000 LOCAL)

#### **VA – ELIZABETH RIVER – WESTERN BRANCH – ROUTE 17/ CHURCHLAND BRIDGE – REDUCED OVERHEAD POWER CABLE CLEARANCE**

Virginia Power has informed the Coast Guard that the overhead power cable; South of the Churchland Bridge, Western Branch, Elizabeth River has sagged to 39 feet. Mariners are to use extreme caution in this area. Virginia Power will be resagging the overhead power cable to its authorized clearance of 45 feet in the immediate future. **Chart: 12253.**

#### **VA – COASTAL – U.S. NAVAL BASE DAM NECK, VIRGINIA BEACH – SMALL ARMS RANGE LIVE FIRE SCHEDULE**

All vessel operators are reminded to review Navigation Regulations as described in paragraph 334.380 of Chapter 2, of **U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West** when operating south of the entrance to the Chesapeake Bay, off the Dam Neck Naval Firing Range. When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach at the facility. Vessels shall proceed through the area with caution and shall remain in the area no longer than necessary for transit.

The U.S. Naval Base Dam Neck Live Fire Range will be active during the following periods:

Sep 20-24, 2004 from 6:00 a.m. to 1:00 p.m.

Sep 27-30, 2004 from 6:00 a.m. to 1:00 p.m.

Night live fire operations will be commence at 4:30 a.m. and last approximately 90 minutes on the following dates: 23-24 September and 29-30 September. **Charts: 12203, 12205.12207 & 12221.**

#### **VA – COASTAL – STATE MILITARY RESERVATION, CAMP PENDLETON, VIRGINIA BEACH – SMALL ARMS LIVE FIRE SCHEDULE**

The Camp Pendleton State Military Reservation Live Fire Small Arms Range described as "all of the waters seaward of the mean high water shore line within a sector between radial lines extending 13,500 yards seaward and bearing 090 degrees true and 150 degrees true, respectively, from a point on shore at 36° 49' 09"N, 075° 58' 45"W". All vessel operators are reminded to review Navigation Regulations as described in paragraph 334.380 of Chapter 2, of **U.S. Coast Pilot 4, Atlantic Coast: Cape Henry to Key West** when operating south of the entrance to the Chesapeake Bay. Firing will take place only during daylight hours and red flags will be displayed at conspicuous locations on the beach at the facility. Vessels shall proceed through the area with caution and shall remain in the area no longer than necessary for transit. **Charts: 12203, 12205.12207 & 12221.**

The Camp Pendleton Live Fire Range will be active during the following periods:

06-07 November, 2004 - from 8:00 a.m. to 04:00 p.m.

04-05 December, 2004 - from 8:00 a.m. to 04:00 p.m.

08-09 January, 2005 - from 8:00 a.m. to 04:00 p.m.

05-06 February, 2005 - from 8:00 a.m. to 04:00 p.m.

12-13 March, 2005 - from 8:00 a.m. to 04:00 p.m.

21-22 May 2005 - from 8:00 a.m. to 04:00 p.m.

#### **NC – COASTAL- BOGUE INLET TO NEW RIVER INLET AND NEW RIVER (AICWW) – Firing Exercises**

The Commanding General, Marine Corps Base Camp Lejeune, North Carolina has advised that the danger zone (depicted as 334.440) as shown on National Ocean Service **Chart 11543**, and AICWW at New River may be hazardous to navigation due to field firing exercises. Firing exercises are scheduled daily. For additional information concerning specific dates and times refer to Monthly. **LNM 36/04.**

**II. DISCREPANCIES:** This section lists all discrepancies to Aids to Navigation and those corrected since the last published list. A discrepancy is a change in the status of an aid to navigation that differs from what is published and or charted.

#### **DISCREPANCY ABBREVIATIONS**

AC= Group Atlantic City	BA= Activities Baltimore	BNM= Broadcast Notice to Mariners
CH= Group Cape Hatteras	DBD= Dayboard	DBN= Daybeacon
DEST= Destroyed	ES= Group Eastern Shore	EXT= Extinguished
FM= Group Fort Macon	IMCH= Improper Characteristics	INOP= Inoperative
LNM= Local Notice to Mariners	LT= Light	OFF STA= Off Station
PH= Group Philadelphia	SHL= Shoaling	TRLB= Temporary Lighted Buoy
TRUB= Temporary Unlighted Buoy	TRLT= Temporary Light	

#### **FEDERAL AIDS DISCREPANCIES As of 0800 a.m. 21 September 2004.**

<b>LLNR</b>	<b>Aid Name</b>	<b>Status</b>	<b>Chart Number</b>	<b>BNM Ref.</b>	<b>LNM Ref.</b>
405	Chesapeake Bay Entrance Lighted Whistle Buoy CH	OFF STA	12200	0443HR	38/04
440	Chesapeake Bay Southern Approach Lighted Buoy 6	MISSING	12200	0444HR	38/04
445	Chesapeake Bay Southern Approach Lighted Buoy 7	MISSING	12200	0444HR	38/04
485	Chesapeake Bay Southern Approach Lighted Buoy 15	MISSING	12200	0442HR	38/04
640	Diamond Shoal Lighted Buoy 12	BUOYDMGD/LT EXT	11009	0379D5	33/04
840	Frying Pan Shoals Lighted Buoy 2FP	LT EXT	11536	0358FM	38/04
1195	Absecon Inlet Breakwater Light 7	DBN DEST	12318	0388AC	42/03
2050	Harbor of Refuge North End Light	LT EXT	12214	0311AC	34/04
2115	Rehoboth Bay Channel Light 9	TRLB	12216	0035ES	06/04
2117	Rehoboth Bay Buoy 10	OFF STA	12214	0137ES	35/04
2125	Rehoboth Bay Daybeacon 12	MISSING	12216	0023ES	06/04
2148	Rehoboth Bay Channel Daybeacon 19	TRUB	12214	0048ES	09/04
2170	Rehoboth Bay Channel Daybeacon 25	DBN IMCH	12216	0136ES	35/04
2660	Salem River Entrance Channel Range Rear Light	LT DIM	12277	0223PH	27/04
3840	Enterprise Upper Range Front Light	LT DIM	12314	0304PH	34/03
3845	Enterprise Upper Range Rear Light	LT DIM	12314	0305PH	34/03
4400	Indian River Inlet Buoy 11	BUOYSINK	12214	0123ES	27/04
4420.1	Indian River Inlet Daybeacon 17A	TRLB	12214	0018ES	05/04
4430	Indian River Junction Light IR	TRLB	12214	0013ES	07/04
4445	Pepper Creek Daybeacon 2	TRUB	12216	0043ES	09/04
4470	Pepper Creek Lighted Buoy WR10	TRLB	12216	0101ES	22/04
4840	Isle of Wight Bay Daybeacon 7	TRUB	12211	0100ES	21/04

4867	Isle of Wight Bay Buoy 12A	OFF STA	12211	0117ES	25/04
4995	Sinepuxent Bay Daybeacon 1	TRUB	12211	0083ES	17/04
5015	Sinepuxent Bay Channel Daybeacon 6	TRUB	12211	NONEHR	11/04
5105	Sinepuxent Bay Channel Daybeacon 27	TRUB	12211	NONEHR	11/04
5300	Chincoteague Inlet Lighted Buoy 6	MISSING	12210	0139ES	36/04
5777	Virginia Inside Passage Daybeacon 59	TRUB	12210	0142ES	37/04
5970	Virginia Inside Passage Light 115	LT EXT	12210	0147ES	38/04
6155	Virginia Inside Passage Daybeacon 162	TRUB	12210	NONEHR	25/04
6275	Virginia Inside Passage Daybeacon 198	DBN IMCH	12210	0143ES	37/04
6485	Virginia Inside Passage Daybeacon 244	DBN DMGD	12224	0026ES	06/04
6575	Virginia Inside Passage Daybeacon 264	TRUB	12221	0206ES	51/03
6790	North Inlet Light 1	TRLB	12210	NONEHR	11/04
7140	Chesapeake Channel Lighted Buoy 20	LT EXT	12221	0445HR	38/04
7245	Old Plantation Flats Light	DBN DMGD	12224	0350HR	30/04
7305	Chesapeake Channel Lighted Buoy 44	RAC INOP	12221	0434HR	37/04
7440	Chesapeake Channel Lighted Bell Buoy 62	RAC INOP	12225	0434HR	38/04
7585	USN Aerial Gunnery Area Lighted Bell Buoy D	LT EXT	12230	0753BA	38/04
7995	Craighill Channel Entrance Range Front Light	LT EXT	12282	0741BA	37/04
8000	Craighill Channel Entrance Range Rear Light	LT EXT	12273	0751BA	38/04
8240	Fort McHenry Anchorage Buoy A	MISSING	12281	0738BA	37/04
9565	Norfolk International Terminal Daybeacon 6	TRUB	12206	0344HR	30/04
9760	Western Branch Channel Daybeacon 6	DBN DEST	12253	0439HR	38/04
10070	Elizabeth River Southern Branch Buoy 26	OFF STA	12206	0428HR	36/04
11700	James River Channel Light 24	TRLB	12248	0294HR	25/04
12420	Jordan Point Range Rear Light	LT EXT	12251	0160HR	15/04
12530	James River Channel Light 120	TRLB	12251	0445HR	33/03
12600	James River Channel Light 121	TRLB	12252	0331HR	29/04
13550	York River West Range Front Light	TRLB	12238	0542HR	40/03
13555	York River West Range Rear Light	LT IMCH	12238	0239HR	21/04
16985	Bransons Cove Daybeacon 1B	TRLB	12285	0653BA	30/04
17205	Dukeharts Channel Daybeacon 9	TRUB	12286	0551BA	24/04
17210	Dukeharts Channel Daybeacon 10	TRUB	12285	0552BA	24/04
17330	Wicomico River Daybeacon 13W	TRLB	12286	0312BA	09/04
17375	Horsehead Cliffs Warning Daybeacon	TRLB	12285	0659BA	31/04
17770	Port Tobacco River Light 1	TRLB	12288	0457BA	18/04
17920	Potomac Creek Daybeacon 3	TRUB	12285	NONEBA	13/04
18280	Occoquan River Channel Daybeacon 7	TRLB	12285	0542BA	24/04
18810	St. Jerome Creek Light 4	TRLB	12285	0300BA	09/04
18880	Patuxent River Light 3	DBN DMGD	12230	0554BA	24/04
19675	Fishing Creek Light 3	DBN IMCH	12270	0739BA	37/04
19905	Spa Creek Entrance Buoy 1SC	DBN IMCH	12270	0755BA	38/04
20565	Sparrows Point Steel Works Channel Buoy 3	LT EXT	12281	0584BA	38/04
21435	Old Plantation Flats Light	DBN DMGD	12221	0350HR	30/04
21440	Cape Charles City Range A Front Light	DBN DMGD	12224	0180HR	16/04
21450	Cape Charles City Light 1	TRLB	12221	0347HR	30/04
21530	Kings Creek Junction Light KC	TRLB	12224	0372HR	32/04
22330	Muddy Creek Daybeacon 1	TRUB	12225	0598BA	27/04
22335	Muddy Creek Daybeacon 3	TRLB	12228	0598BA	27/04
22990	Rhodes Point Gut Channel Daybeacon 1	TRUB	12225	0340BA	40/02
23145	Tyler Creek Channel Daybeacon 9	TRUB	12231	0002BA	02/04
23200	Big Thorofare West Channel Light 1	FS INOP	12228	0759BA	38/04
23280	Big Annemessex River Light 1	TRLB	12230	0318BA	10/04
23300	Big Annemessex River Light 6	TRLB	12230	0312BA	09/04
23380	Manokin River Light 2	TRLB	12231	0454BA	18/04
23430	Manokin River Daybeacon 9	TRLB	12230	0312BA	09/04
23495	Lower Thorofare Channel Light 2	TRLB//FS INOP	12231	0434BA	16/04
23520	Tangier Sound Buoy 14	FS IMCH	12231	0771BA	38/04
23645	Sharkfin Shoal Channel Range Front Light	TRLB	12230	0493BA	21/04
23650	Sharkfin Shoal Channel Range Rear Light	MISSING	12261	0312BA	09/04
23795	Webster Cove Channel Buoy 1	OFF STA	12230	0654BA	30/04
24400	Goose Creek Light 1	TRLB	12261	0312BA	09/04
24410	Fishing Bay Light 3	TRLB	12230	0312BA	11/04
24470	Hearns Cove Channel Light 5	TRLB	12261	0312BA	09/04
24525	Honga River Light 12	TRLB	12230	0312BA	09/04
24580	Tar Bay Channel Light 1	TRLB	12280	0400BA	14/04
24585	Tar Bay Channel Light 2	LT IMCH	12230	0745BA	38/04
24620	Tyler Cove Channel Daybeacon 1	TRUB	12264	0639BA	30/04
24625	Tyler Cove Channel Daybeacon 2	TRUB	12261	0640BA	30/04
25525	Irish Creek Daybeacon 6	TRUB	12263	0220BA	14/01
26085	Eastern Bay Lighted Buoy 11	LT EXT	12263	0772BA	38/04
27325	Bush River Light 5	TRLB	12273	0318BA	10/04
28340	Walter Slough Light 9	TRLB	12205	0171CH	38/04
28595	Colington Cut Entrance Light 2C	LT EXT	12204	0172CH	38/04
29235	Barden Inlet Light 21	TRLB	11545	0323FM	33/04

29559	Bogue Inlet Buoy 14	OFF STA	11541	0309FM	33/04
29925	Southwest Creek Daybeacon 1	DBN IMCH	11542	0340FM	36/04
29950	New River Channel Daybeacon 55	DBN IMCH	11542	0399FM	36/04
29975	New Topsail Inlet Buoy 1	OFF STA	11541	0341FM	36/04
29997	New Topsail Inlet Buoy 3A	MISSING	11541	0344FM	37/04
30285	Carolina Beach Inlet Buoy 5	OFF STA	11534	0300FM	33/04
30615	Sunny Point Terminal Light 16	LT EXT	11534	0371FM	38/04
30665	Cape Fear Channel Lighted Buoy 30	TRLB	11534	NONEFM	04/04
31055	Shallotte Inlet Buoy 1	MISSING	11534	0327FM	33/04
31665	Kendrick Creek Channel Daybeacon 2	MISSING	12205	0143CH	30/04
32470	Lower Middle Ground Light LM	DBN DEST	11548	0236FM	27/04
32720	Fodrey Creek Light 1	TRLB	11548	0098FM	04/04
33245	Gaylord Bay Ferry Terminal Channel Light 1	TRLB	11554	0220FM	24/04
33505	Raccoon Island North Daybeacon	MISSING	11541	NONEFM	50/03
34320	Harbor Island Warning Daybeacon	DBN DMGD	11550	0102FM	10/03
34545	Core Sound Light 28	TRLB	11544	0401FM	39/03
34710	Brooks Creek Daybeacon 1	DBN IMCH	12266	0310FM	34/04
34770	North River Warning Light	DBN DMGD	11545	0527FM	49/03
34932	Manasquan Inlet Light 3	LT EXT	12300	0310AC	34/04
35050	New Jersey Intracoastal Waterway Daybeacon 21	TRLB	12324	0151AC	17/04
35080	New Jersey Intracoastal Waterway Light 29	TRLB	12324	0130AC	15/04
35320	New Jersey Intracoastal Waterway Daybeacon 82	TRLB	12324	0113AC	13/04
35875	New Jersey Intracoastal Waterway Daybeacon 223	MISSING	12316	0416AC	45/03
35895	New Jersey Intracoastal Waterway Light 230	TRLB	12316	NONEAC	29/04
36015	New Jersey Intracoastal Waterway Daybeacon 265	TRUB	12316	NONEAC	29/04
36055	New Jersey Intracoastal Waterway Daybeacon 277	DBN DMGD	12316	0121AC	13/04
36275	New Jersey Intracoastal Waterway Light 340	TRLB	12316	0289AC	33/04
36535	New Jersey Intracoastal Waterway Buoy 424	OFF STA	12316	0228AC	26/04
36920	Elizabeth River Southern Branch Buoy 26	OFF STA	12206	0428HR	36/04
38390	Core Creek Light 20	LT EXT	11541	0293FM	32/04
38400	Core Creek Range Front Light	TRLB	11545	0116FM	12/03
38407	Core Creek Light 24	TRLB	11541	NONEFM	33/04
39790	Wilmington Shortcut Daybeacon 3	LT EXT	11537	0358FM	38/04
39910	Cape Fear Channel Lighted Buoy 30	TRLB	11534	NONEFM	04/04
40305	Cape Fear Little River Daybeacon 71	DBN IMCH	11534	0319FM	36/04

# FEDERAL AIDS DISCREPANCIES CORRECTED Since LNM 37/04.

LLNR	Aid Name	Status	Chart Number	BNM Ref.	LNM Ref.
465	Chesapeake Bay Southern Approach Lighted Buoy 11	RELIGHTED	12200	0418HR	36/04
600	Oregon Inlet Approach Lighted Whistle Buoy OI	RELIGHTED	12200	0169CH	37/04
920	Barnegat Inlet North Jetty Danger Buoy A	WATCHING PROPERLY	12200	0339AC	36/04
1175	Absecon Inlet Lighted Buoy 2	WATCHING PROPERLY	12316	0329AC	36/04
1460	Cape May Harbor Range Rear Light	RELIGHTED	12214	0293AC	33/04
1465	Cape May Harbor Lighted Buoy 2	RELIGHTED	12317	0351AC	38/04
1485	Delaware Bay Approach Lighted Whistle Buoy CH	RELIGHTED	12214	0312AC	34/04
2730	New Castle Range Front Light	RELIGHTED	12311	0317PH	38/04
3260	Eddystone Range Lighted Buoy 1E	RESET ON STATION	12312	0314PA	38/04
3715	Frankford Channel Upper Directional Light	RELIGHTED	12314	0264PH	32/04
3775	Upper Delaware River Channel Lighted Buoy 18	LT EXT	12314	0258PH	31/04
3930	Upper Delaware River Channel Lighted Buoy 40	RELIGHTED	12314	0312PH	38/04
5720	Virginia Inside Passage Daybeacon 38	WATCHING PROPERLY	12210	NONEES	33/04
6388	Virginia Inside Passage Daybeacon 220	WATCHING PROPERLY	12221	NONEHR	11/04
6590	Virginia Inside Passage Light 267	WATCHING PROPERLY	12221	NONEHR	11/04
6670	Wachapreague Channel Light 8	WATCHING PROPERLY	12210	0144ES	38/04
7580	USN Aerial Gunnery Area Lighted Bell Buoy C	RELIGHTED	12230	0752BA	38/04
8030	Craighill Channel Lighted Buoy 6	WATCHING PROPERLY	12282	0633BA	29/04
8935	Elk River Channel South Range Front Light	WATCHING PROPERLY	12273	0767BA	38/04
8940	Elk River Channel South Range Rear Light	WATCHING PROPERLY	12274	0768BA	38/04
9305	Thimble Shoal Channel Lighted Buoy 19	WATCHING PROPERLY	12221	0435HR	37/04
9355	Naval Ordnance Lighted Buoy P	RELIGHTED	12256	0441HR	38/04
10450	Linkhorn Bay Light 23	RELIGHTED	12205	0438HR	38/04
11480	Deep Creek Channel Daybeacon 4	WATCHING PROPERLY	12248	0424HR	36/04
11655	James River Channel Light 15	REBUILT/REMAINS	12248	0433HR	37/04
12820	Horseshoe Crossing Lighted Whistle Buoy HC	RELIGHTED	12221	0436HR	37/04
18005	Aquia Creek Light 10	WATCHING PROPERLY	12288	0743BA	37/04
19165	Patuxent River Light 16	RELIGHTED	12264	0761BA	38/04
20075	Whitehall Creek Daybeacon 5	WATCHING PROPERLY	12270	0748BA	38/04
22580	Pocomoke River Channel Buoy 18	OFF STA	12228	0512BA	22/04
24760	Fishing Creek Daybeacon 2 (Little Choptank River)	WATCHING PROPERLY	12263	0749BA	38/04
24930	Choptank River Entrance Lighted Buoy 14	RELIGHTED	12263	0744BA	37/04
28025	Oregon Inlet Buoy 12	RESET ON STATION	12204	0170CH	38/04
29765	Courthouse Bay Daybeacon 1	WATCHING PROPERLY	11542	0321FM	35/04

30130	Banks Channel Daybeacon 19	REBUILT/RECOVERED	11541	0237FM	27/04
30784	Big Island Lower North Range Rear Light	RELIGHTED	11537	0355FM	38/04
32930	Belhaven Channel Light 1 BC	RELIGHTED	11548	0362FM	38/04
34030	Neuse River Channel Light 32	RELIGHTED	11552	0366FM	38/04
34934	Manasquan Inlet Light 4	RELIGHTED	12324	0316AC	34/04
35120	New Jersey Intracoastal Waterway Light 39	WATCHING PROPERLY	12324	0259AC	29/04
38435	Core Creek Light 29	RELIGHTED	11541	0367FM	38/04
38840	Bogue Sound Daybeacon 7	WATCHING PROPERLY	11545	0354FM	37/04
39545	New River/Cape Fear River Light 98	REBUILT/RECOVERED	11541	0249FM	27/04
39785	Wilmington Shortcut Daybeacon 1	WATCHING PROPERLY	11534	0356FM	38/04

#### PRIVATE AIDS DISCREPANCIES As of 0800 a.m. 21 September 2004.

LLNR	Aid Name	Status	Chart Number	BNM Ref.	LNM Ref.
575	NAVAIR COMBAT MANEUVRNG RANGE TWR LT	LT EXT	12200	0175D5	17/04
1145	Marshelder Channel Buoy 2	MISSING	12316	0449AC	50/03
2119.19	Herring Creek Daybeacon 19	DBN DEST	12216	0140ES	34/03
2775	Bulkhead Shoal Channel Lighted Buoy 2	MISSING	12331	0265PH	32/04
4880	Thorofare Channel Buoy 4	MISSING	12211	0117ES	29/03
4905	Thorofare Channel Buoy 12	OFF STA	12211	0110ES	47/00
4915	Thorofare Channel Buoy 15	MISSING	12221	0031ES	20/02
4920	Thorofare Channel Buoy 16	MISSING	12211	0032ES	20/02
5457	Greenbackville SAV Sanctuary Daybeacon A	MISSING	12211	0040ES	07/04
5457.1	Greenbackville SAV Sanctuary Daybeacon B	MISSING	12211	0040ES	07/04
9730	Elizabeth River Deperming Range Obstruction Light	DBN DMGD	12253	0566HR	40/03
10186.5	Lynnhaven River Daybeacon 3LR	TRUB	12222	0147HR	18/02
10230	Lynnhaven River-Western Branch Daybeacon 11	DBN DMGD	12254	0422HR	36/04
10335	Long Creek Channel Daybeacon 2 LE	DBN DEST	12222	0033HR	04/03
12616	Weanack Channel Entrance Lighted Buoy 2WC	LT EXT	12252	0332HR	29/04
13070	Harris River Approach Daybeacon 8	DBN DMGD	12238	0226HR	19/04
13575	Virginia Power Underwater Obstruction Light A	LT EXT	12238	0266HR	23/04
15980	Delco Moraine Lighted Obstruction Buoy	MISSING	12237	0523HR	45/01
16845	Mill Creek Daybeacon 2	DBN DMGD	12233	0142BA	05/01
17845	Nanjemoy Creek Daybeacon 5	DBN DEST	12288	0205BA	07/04
18012.5	Aquia Creek Daybeacon 18	MISSING	12285	0197BA	26/02
18430	Little Hunting Creek Lighted Buoy 4	OFF STA	12289	0366BA	18/03
18850	Buzz's Marina Channel Daybeacon 6	DBN DEST	12233	0296BA	12/03
18860	N.A.S. Paxtuxent River Basin Entrance Light 2	DBN DMGD	12233	0337BA	24/01
18865	N.A.S. Patuxent River Basin Entrance Light 1	DBN DMGD	12233	0338BA	24/01
20210	Forked River Daybeacon 2	DBN DMGD	12282	0594BA	39/03
20235	Blackhole Creek Light 2	DBN DMGD	12282	0594BA	39/03
20360	Patapsco River 1/2 Measured Mile Marker Buoy A	OFF STA	12281	0572BA	25/04
20430	Pennwood Channel Range Front Light	LT EXT	12278	0581BA	26/04
20435	Pennwood Channel Range Rear Light	LT IMCH	12278	0422BA	16/04
20545	Sparrow Pt. Steel Work Ch. Range Front Light	LT EXT	12278	0302BA	36/02
20705	Sollers Point Daybeacon 1	LT EXT	12281	0732BA	52/03
20760	HAW Generating Plant Channel Buoy 7	BUOYSINK	12278	0594BA	39/03
20805	Hawkins Point Pier Buoy 2	OFF STA	12278	0103BA	18/02
21425	Kiptopeke Beach Breakwater North Light B	LT EXT	12221	0676D5	49/01
22415	POCOMKE SND ST BNDRY LINE DBN E	BUOYSINK/BUOYDMGD	12228	0220BA	07/04
22420	POCOMKE SND ST BNDRY LINE DBN F	MISSING	12228	0292BA	09/04
22435	POCOMKE SND ST BNDRY LINE DBN J	MISSING	12228	0293BA	09/04
23575	Dorchester/Somerset County Line Marker AA	DBN DEST	12231	0322BA	10/04
23665	Dorchester/Somerset County Line Marker CC	DBN DEST	12231	0324BA	10/04
24937	UMCES Lighted Buoy CR (Choptank River)	OFF STA/LT EXT	12263	0234BA	07/04
25020	Cambridge Channel Range Front Light	LT EXT	12268	0382BA	46/02
25025	Cambridge Channel Range Rear Light	LT EXT	12268	0383BA	46/02
26270	Cox Creek Daybeacon 4	DBN DEST	12263	0312BA	09/04
26343.3	Greenwood Creek Buoy 4	OFF STA	12270	0411BA	24/03
27275	Upper Gunpowder River Daybeacon 11	DBN IMCH	12273	0704BA	34/04
27900	Upper Elk River Buoy 2	MISSING	12274	0013BA	03/04
27905	Upper Elk River Buoy 4	MISSING	12274	0014BA	03/04
28697	South Ferry Terminal Buoy FD2	BUOYDMGD	11550	0068CH	16/04
30562.3	Sunny Point Terminal Warning Light L	TRLB	11537	0016FM	02/03
33200	Jacobs Creek Canal Daybeacon 1	DBN DMGD	11554	0339FM	34/02
33205	Jacobs Creek Canal Daybeacon 2	DBN DMGD	11554	0340FM	34/02
33427	Swan Point Warning Daybeacon A	MISSING	11548	0088FM	09/03
38570	TRIPLE S. MARINA DAYBEACON 8	DBN DEST	11547	0505FM	51/01
39125	COW CRK CH DBN 1	DBN IMCH	11541	0310FM	33/04

#### PRIVATE AIDS DISCREPANCIES-CORRECTED Since LNM 37/04.

LLNR	Aid Name	Status	Chart Number	BNM Ref.	LNM Ref.
NONE.					



**III. TEMPORARY CHANGES/CORRECTIONS** This section contains a summary of current temporary changes and corrections to Aids to Navigation. Aids may be temporarily relocated, established or altered for dredging, testing or marking an obstruction or wreck. A permanent correction shall be listed in **Section IV** giving the new position.

#### TEMPORARY CHANGES

LLNR	Aid Name	Status	Chart Number	BNM Ref.	LNM Ref.
975	Barnegat Inlet Buoy 16	RLCTD DUE TO SHLNG	12323	0155AC	17/04
980	Barnegat Inlet Buoy 17	RLCTD DUE TO SHLNG	12324	0193D5	17/04
985	Barnegat Inlet Buoy 18	RLCTD DUE TO SHLNG	12323	0193D5	17/04
995	Barnegat Inlet Buoy 20	RLCTD DUE TO SHLNG	12324	0154AC	17/04
1080	Oyster Creek Channel Buoy 37	RLCTD DUE TO SHLNG	12323	0185D5	17/04
1085	Oyster Creek Channel Buoy 37A	RLCTD DUE TO SHLNG	12324	0185D5	17/04
1115	Little Egg Inlet Buoy 4	RLCTD DUE TO SHLNG	12316	0185AC	20/04
8330	Swan Point Channel North Range Rear Light	DISCONTINUED	12280	0240D5	22/04
9660	Craney Island Anchorage Daybeacon A	DSCNTND FOR DRDGNG	12207	NONED5	14/04
12885.5	Salt Ponds Daybeacon 10	DSCNTND FOR DRDGNG	12280	0369HR	32/04
12890	Salt Ponds Daybeacon 11	DSCNTND FOR DRDGNG	12221	0370HR	32/04
12895	Salt Ponds Daybeacon 12	DSCNTND FOR DRDGNG	12280	0371HR	32/04
21460	Cape Charles City Range B Front Light 8	DISCONTINUED	12224	0174D5	20/04

#### TEMPORARY CHANGES CORRECTED

LLNR	Aid Name	Status	Chart Number	BNM Ref.	LNM Ref.
NONE.					

#### IV. CHART CORRECTIONS:

This section contains corrections to federal and private maintained Aids to Navigation, as well as NOS corrections. This section contains corrective actions affecting chart(s). Corrections appear numerically by chart number, and pertain to that chart only. **The mariner must decide which Chart(s) to correct. The following example explains the individual elements of a typical chart correction.**

Chart Number	Chart Edition	Edition Date	Last Local Notice to Mariners	Horizontal Datum Reference	Source of Correction	Current Local Notice to Mariners
11541	33 <sup>rd</sup> ed.	11/01/2002	LAST LNM 47/02 NC-PORTSMOUTH ISLAND TO BEAUFORT CHANGE	NAD 83	CGD05/NOS	49/02
	↑ Corrective Action	↑ Object of corrective Action	South River Light 1 to Daybeacon 1, SG	in	34-59-23.345N	076-35-25.467W
					Position (Degrees, minutes, seconds and tenths)	

The letter (M) immediately following the chart number indicates that the correction should be applied to the Metric side of the chart only. (TEMP) Indicates that the chart correction action is temporary in nature. Courses and bearings are given in degrees true, clockwise from 000°. Bearings of light sectors are toward the light from seaward. The nominal range of lights is in nautical miles (NM).

11534	33rd ed.	03/01/2004	LAST LNM: 36/04 NC-SC-ICW-MYRTLE GROVE SOUND AND CAPE FEAR RIVER TO CASINO CREEK RELOCATE	NAD 83	CGD05	38/04
			Cape Fear Little River Buoy 47A	from to	33-55-15.948N 33-55-16.207N	078-14-12.522W 078-14-11.728W
11541	34th ed.	10/01/2003	LAST LNM: 36/04 NC-AIWW - NEUSE RIVER TO MYRTLE GROVE SOUND RELOCATE	NAD 83	CGD05	38/04
			Banks Channel Daybeacon 3	from to	34-21-34.090N 34-21-33.774N	077-38-33.090W 077-38-36.132W
			DELETE/RELOCATE			
			Banks Channel Daybeacon 19 delete PA, relocate	from to	34-24-12.500N 34-24-13.680N	077-35-23.990W 077-35-24.762W
			Banks Channel Daybeacon 21 delete PA, relocate	from to	34-24-21.890N 34-24-21.498N	077-35-37.190W 077-35-35.106W
11543	22 <sup>nd</sup> ed.	07/07/2001	LAST LNM: 33/04 NC-CAPE LOOKOUT TO NEW RIVER	NAD 83	CGD05	38/04
			Barden Inlet Light 1 to Lighted Buoy 1	in	34-37-27.452N	076-32-25.258W



NC- PORTSMOUTH ISLAND TO BEAUFORT: INCLUDING CAPE LOOKOUT SHOAL  
CHANGE

				Core Sound Channel Light 5 to Lighted Buoy 5	in	34-59-21.186N	076-12-20.778W
				Core Sound Light 13 to Lighted Buoy 13	in	34-57-18.636N	076-13-42.570W
				Core Sound Daybeacon 18A to Buoy 18A, green can	in	34-55-37.000N	076-16-11.900W
				Core Sound Light 19 to Lighted Buoy 19	in	34-54-59.426N	076-16-35.335W
				Core Sound Light 19A to Lighted Buoy 19A	in	34-54-19.461N	076-17-38.692W
				Core Sound Daybeacon 23 to Buoy 23, green can	in	34-52-26.390N	076-20-11.417W
				Core Sound Light 28 to Lighted Buoy 28	in	34-50-32.984N	076-22-55.705W
				Barden Inlet Light 1 to Lighted Buoy 1	in	34-37-27.452N	076-32-25.258W
11545	61st ed.	03/01/2004	LAST LNM: 36/04	NC- BEAUFORT INLET AND PART OF CORE SOUND CHANGE	NAD 83	CGD05	38/04
				Core Sound Daybeacon 23 to Buoy 23, green can	in	34-52-26.390N	076-20-11.417W
				Core Sound Light 28 to Lighted Buoy 28	in	34-50-32.984N	076-22-55.705W
				Barden Inlet Light 1 to Lighted Buoy 1	in	34-37-27.452N	076-32-25.258W
11548	39th ed.	11/01/2003	LAST LNM: 36/04	NC- PAMLICO SOUND- WESTERN PART CHANGE	NAD 83	CGD05	38/04
				Wright Creek Light 2WC range to 3M	in	35-25-01.236N	076-35-09.748W
				Core Sound Channel Light 5 to Lighted Buoy 5	in	34-59-21.186N	076-12-20.778W
				Core Sound Light 13 to Lighted Buoy 13	in	34-57-18.636N	076-13-42.570W
11550	29th ed.	05/01/2004	LAST LNM: 36/04	NC- OCRACOE INLET AND PART OF CORE SOUND CHANGE	NAD 83	CGD05	38/04
				Core Sound Channel Light 5 to Lighted Buoy 5	in	34-59-21.186N	076-12-20.778W
				Core Sound Light 13 to Lighted Buoy 13	in	34-57-18.636N	076-13-42.570W
				Core Sound Daybeacon 18A to Buoy 18A, green can	in	34-55-37.000N	076-16-11.900W
				Core Sound Light 19 to Lighted Buoy 19	in	34-54-59.426N	076-16-35.335W
				Core Sound Light 19A to Lighted Buoy 19A	in	34-54-19.461N	076-17-38.692W
				Core Sound Daybeacon 23 to Buoy 23, green can	in	34-52-26.390N	076-20-11.417W
11553	28th ed.	12/01/2002	LAST LNM: 35/04	NC-ICW-ALBEMARLE SOUND TO NEUSE RIVER CHANGE	NAD 83	CGD05	38/04
				Wright Creek Light 2WC range to 3M	in	35-25-01.236N	076-35-09.748W
12200	48th ed.	06/01/2004	LAST LNM: 25/04	CAPE MAY TO CAPE HATTERAS ADD	NAD 83	CGD05	38/04
				Symbol for Wreck	in	37-52-48.000N	074-15-48.000W
12204	35 <sup>th</sup> ed.	01/01/2003	LAST LNM: 36/04	NC-CURRITUCK BEACH LIGHT TO WIMBLE SHOALS RELOCATE	NAD 83	CGD05	38/04
				Oregon Inlet Buoy 12	from to	35-46-30.892N 35-46-30.830N	075-32-52.752W 075-31-52.728W
12205	28th ed.	08/01/2003	LAST LNM: 36/04	VA-NC- CAPE HENRY TO PAMLICO SOUND (including ALBEMARLE SOUND) RELOCATE	NAD 83	CGD05	38/04
				Oregon Inlet Buoy 12	from to	35-46-30.892N 35-46-30.830N	075-32-52.752W 075-31-52.728W
				DELETE			
				Rudee Inlet Jetty Light 4	in	36-49-50.340N	075-58-00.130W
				Rudee Inlet Jetty Daybeacon 5	in	36-49-46.236N	075-57-57.744W
12206	30th ed.	10/01/2003	LAST LNM: 36/04	VA-NC- NORFOLK TO ALBEMARLE SOUND RELOCATE	NAD 83	CGD05	38/04
				Elizabeth River Southern Branch Turning Basin Daybeacon D	from to	36-45-05.200N 36-45-04.445N	076-17-36.100W 076-17-35.844W
12207	21st ed.	02/01/2004	LAST LNM: 35/04		NAD 83	CGD05	38/04

VA-NC- CAPE HENRY TO CURRITUCK BEACH LIGHT					
DELETE					
	Rudee Inlet Jetty Light 4	in	36-49-50.340N	075-58-00.130W	
	Rudee Inlet Jetty Daybeacon 5	In	36-49-46.236N	075-57-57.744W	
12208	10th ed. 05/01/2004 LAST LNM: 33/04 VA- APPROACHES TO THE CHESAPEAKE BAY DELETE	NAD 83	CGD05	38/04	
	Rudee Inlet Jetty Light 4	in	36-49-50.340N	075-58-00.130W	
	Rudee Inlet Jetty Daybeacon 5	In	36-49-46.236N	075-57-57.744W	
12221	75th ed. 09/01/2003 LAST LNM: 37/04 VA- CHESAPEAKE BAY ENTRANCE DELETE	NAD 83	CGD05	38/04	
	Rudee Inlet Jetty Light 4	in	36-49-50.340N	075-58-00.130W	
	Rudee Inlet Jetty Daybeacon 5	In	36-49-46.236N	075-57-57.744W	
12228	30th ed. 01/01/2004 LAST LNM: 34/04 MD-VA-CHESAPEAKE BAY: POCOMOKE AND TANGIER SOUNDS RELOCATE	NAD 83	CGD05	38/04	
	Pocomoke River Channel Buoy 9	from	37-57-58.356N	075-41-22.665W	
		to	37-57-57.117N	075-41-27.526W	
	Pocomoke River Buoy 19	from	37-57-39.702N	075-39-49.194W	
		to	37-57-39.593N	075-39-49.252W	
12230	61st ed. 11/01/2003 LAST LNM: 34/04 VA-MD-CHESAPEAKE BAY: SMITH POINT TO COVE POINT RELOCATE	NAD 83	CGD05	38/04	
	Pocomoke River Channel Buoy 9	from	37-57-58.356N	075-41-22.665W	
		to	37-57-57.117N	075-41-27.526W	
	Pocomoke River Buoy 19	from	37-57-39.702N	075-39-49.194W	
		to	37-57-39.593N	075-39-49.252W	
12253	43rd ed. 06/01/2003 LAST LNM: 33/04 VA- NORFOLK HARBOR AND ELIZABETH RIVER RELOCATE	NAD 83	CGD05	38/04	
	Elizabeth River Southern Branch Turning Basin Daybeacon D	from	36-45-05.200N	076-17-36.100W	
		to	36-45-04.445N	076-17-35.844W	
12277	32nd ed. 07/01/2003 LAST LNM: 33/04 DE-MD-NJ-CHESAPEAKE AND DELAWARE CANAL CHANGE	NAD 83	CGD05	38/04	
	Salem River Entrance Channel Light 4 to FI R 2.5s	in	39-33-10.487N	075-31-42.046W	
12285	36 <sup>th</sup> ed. 01/01/2004 LAST LNM: 36/04 MD-VA-POTOMAC RIVER ADD	NAD 83	CGD05	38/04	
	Bonum Creek Buoy 2A, red nun	in	38-05-53.514N	076-34-47.886W	
12286	29 <sup>th</sup> ed. 11/01/2002 LAST LNM: 31/04 VA-MD-POTOMAC RIVER: PINEY POINT TO LOWER CEDAR POINT ADD	NAD 83	CGD05	38/04	
	Bonum Creek Buoy 2A, red nun	in	38-05-53.514N	076-34-47.886W	
12311	43rd ed. 07/01/2004 LAST LNM: 37/04 NJ-DE- DELAWARE RIVER- SMYRNA RIVER CHANGE	NAD 83	CGD05	38/04	
	Salem River Entrance Channel Light 4 to FI R 2.5s	in	39-33-10.487N	075-31-42.046W	
12316	31st ed. 05/01/2004 LAST LNM: 36/04 NJ-IWW-LITTLE EGG HARBOR TO CAPE MAY RELOCATE	NAD 83	CGD05	38/04	
	New Jersey Intracoastal Waterway Buoy 112	from	39-31-57.060N	074-16-39.240W	
		to	39-31-55.424N	074-16-40.512W	
	New Jersey Intracoastal Waterway Daybeacon 327	from	39-12-08.350N	074-40-46.660W	
		to	39-12-09.448N	074-40-46.491W	
	New Jersey Intracoastal Waterway Buoy 421	from	39-02-38.400N	074-46-52.540W	
		to	39-02-37.470N	074-46-51.171W	
	New Jersey Intracoastal Waterway Daybeacon 434	from	39-02-00.540N	074-48-00.570W	

	Absecon Inlet Lighted Buoy 2	to	39-02-01.506N	074-48-00.223W
		from	39-21-08.081N	074-23-52.379W
		to	39-20-57.844N	074-23-45.562W
CHANGE	New Jersey Intracoastal Waterway Light 280 height to 15FT	in	39-15-32.036N	074-37-28.575W
12318	42nd ed. 05/01/2004 LAST LNM: 37/04 NJ- LITTLE EGG INLET TO HEREFORD INLET RELOCATE	NAD 83	CGD05	38/04
	Absecon Inlet Lighted Buoy 2	from	39-21-08.081N	074-23-52.379W
		to	39-20-57.844N	074-23-45.562W
12323	23rd ed. 03/11/2000 LAST LNM: 36/04 NJ- SEACOAST- SEAGIRT TO LITTLE EGG INLET RELOCATE	NAD 83	CGD05	38/04
	Barnegat Inlet Buoy 19	from	39-45-58.850N	074-07-01.741W
		to	39-45-56.976N	074-07-04.739W
12324	31st ed. 01/01/2004 LAST LNM: 36/04 NY-NJ-SANDY HOOK TO LITTLE EGG HARBOR RELOCATE	NAD 83	CGD05	38/04
	Barnegat Inlet Buoy 19	from	39-45-58.850N	074-07-01.741W
		to	39-45-56.976N	074-07-04.739W
13003	48th ed. 06/01/2003 LAST LNM: 37/04 ATLANTIC COAST- CAPE SABLE TO CAPE HATTERAS	NAD 83	CGD05	38/04
ADD	Symbol for Wreck	in	37-52-48.000N	074-15-48.000W

A weekly electronic update service is now available for NOAA's digital, raster nautical charts. All Notice to Mariner corrections from USCG, NGA and CHS are included. The service is provided via a partnership between NOAA and Maptech, Inc. Further information is available from NOAA at (301)-713-2770, <http://chartmaker.ncd.noaa.gov> or from Maptech at (978)-933-3000, <http://www.maptech.com>.

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**V. ADVANCE NOTICES:** This section contains advance notice of approved projects, changes to aids to navigation, bridge regulations or upcoming temporary changes such as dredging, etc. Mariners are advised to use caution while transiting these areas. Comments on this change should be forwarded to the **Commander Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, VA 23703-5004**

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**VA – VIRGINIA INSIDE PASSAGE – AIDS TO NAVIGATION CHANGE**

The Coast Guard will be discontinuing Ramshorn Channel Light 2 (LLNR 6960) and changing Virginia Inside Passage Daybeacon 215 (LLNR 6355) to Virginia Inside Passage Light 215 (LLNR 6355) showing a Fl G 4s. Lighting equipment will be removed when endangered by ice. **Charts: 12221 & 12224.**

**BRIDGE ADVANCE NOTICE**

**DC – POTOMAC RIVER - ANACOSTIA RIVER - NEW DRAWBRIDGE REGULATIONS**

Effective on **September 7, 2004**, the U.S. Coast Guard is changing the regulations governing the operation of the CSX Transportation (CSX) Rail (vertical-lift) Bridge across Anacostia River, at mile 3.4, in Washington DC. CSX, who owns and operates this drawbridge, requested changes to the operating procedures for the drawbridge. This final rule would eliminate the need for a bridge tender by allowing the bridge to be operated from a remote location. This change would maintain the bridge's current level of operational capabilities and continue providing for the reasonable needs of rail transportation and vessel navigation. Copies of **PUBLIC NOTICE 5-1021** which describe the change in detail can be obtained by writing to the above address or by calling (757) 398-6222. **Chart 12289**

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**VI. PROPOSED CHANGES:** Periodically the Coast Guard evaluates the system of Aids To Navigation and bridge regulations to determine whether the conditions for which the aids were established have changed. All comments should include the following information: 1) Quantity, type, capacity and value of vessels involved, and the extent that these vessels traverse the area under consideration seasonally, by day, and by night. 2) where practicable, the type of navigation devices, such as compasses, radio direction finders, radar, LORAN, DGPS, and search lights, with which such vessels are equipped. 3) The number of passengers and type, quantity, and value of cargo involved. 4) A chart section or sketch showing the action proposed when necessary to clearly describe the recommended improvement. Written comments on this proposal should be forwarded to: **COMMANDER, FIFTH COAST GUARD DISTRICT (OAN) 431 Crawford Street, Portsmouth, VA 23704-5004**, unless otherwise noted.

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**MD – UPPER CHESAPEAKE BAY – DISCONTINUE TOLCHESTER DIRECTIONAL LIGHT (LLNR 8525)**

The Coast Guard is soliciting for comments on discontinuing Tolchester Directional Light (LLNR 8525). Comments concerning this proposal may be sent to the above address, attention Mr. Al Grimes, not later than **30 September, 2004**. **Charts: 12272, 12273 & 12278.**

**VA – CHESAPEAKE BAY – TANGIER SOUND – SMITH ISLAND - BIG THOROFARE WEST - SMITH ISLAND WEST SIDE WARNING DAYBEACON – AIDS TO NAVIGATION CHANGE.**

The Coast Guard is soliciting for comments on discontinuing Smith Island West Side Warning Daybeacon (LLNR 23195). Comments concerning this proposal may be sent to the above address, attention Mr. Al Grimes, not later than **25 October, 2004**. **Chart: 12231.**

#### **VA – LOWER CHESAPEAKE BAY – CHERRYSTONE CHANNEL – AIDS TO NAVIGATION CHANGE**

The Coast Guard is soliciting for comments on the following changes to the aids to navigation for the Cherrystone Channel:

- (a) Rename Cherrystone Channel Light 2 (LLNR 21430) to Cherrystone Channel Light 2C (LLNR 21430).
- (b) Rename/ renumber Kings Creek Light 1 (LLNR 21520) to Cherrystone Channel Light 3C (LLNR 21520).
- (c) Rename/ renumber and change flash characteristic of Kings Creek Junction Light KC (LLNR 21525) to Cherrystone Channel Light 4C (LLNR 21525) Flashing Red 6 seconds (Fl R. 6s) . Comments concerning this proposal may be sent to the above address, attention Mr. Al Grimes, not later than **27 September, 2004**. Chart: 12224.

#### **NC – DISESTABLISHMENT OF BODIE ISLAND LIGHT (LLNR 590) AS A FEDERAL AIDS TO NAVIGATION**

The Coast Guard is soliciting comments on the transfer of Bodie Island Light (LLNR 590) from a federal maintained to a private aids to navigation to be maintained by the National Park Service (NPS). Comments concerning this proposal may be sent to the above address, attention Mr. Tom Flynn, not later than **01 November, 2004**.

### **BRIDGE PROPOSALS**

#### **NJ - MANASQUAN INLET – MANASQUAN RIVER – TEMPORARY DEVIATION FOR ROUTE 70 BRIDGE**

The U.S. Coast Guard has issued an extension of a temporary deviation to test an alternate drawbridge regulation for the Route 70 Bridge, mile 3.4, across Manasquan River, at Riviera Beach, New Jersey. Under this temporary 90-day deviation, effective **August 2, 2004, through October 31, 2004**, the Route 70 Bridge will open on signal on the hour, except that from 5 p.m. to 7 p.m., Monday through Friday and from 11 p.m. to 7 a.m. the draw need not be opened. The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comments from the public. Comments on this test deviation should be forwarded to the above address attention (obr) no later than **November 5, 2004**. Copies of **PUBLIC NOTICE 5-1022** which describes the test deviation in detail can be obtained by writing to the above address or by calling (757) 398-6222. Chart 12324.

**VA – ATLANTIC INTRACOASTAL WATERWAY (AIWW), SOUTHERN BRANCH OF THE ELIZABETH RIVER TO THE ALBERMARLE AND CHESAPEAKE CANAL – CHANGE IN REGULATION** - The U.S. Coast Guard proposes to change the regulations that govern the operation of the Norfolk Southern #7 Railroad Bridge across the Southern Branch of the Elizabeth River, at AIWW mile 5.8, in Chesapeake, VA. The Norfolk Southern Corporation, who owns and operates this drawbridge, requested changes to the operating procedures for the drawbridge. This proposed rule would increase vessel openings and eliminate the need for a bridge tender by allowing the bridge to be operated from a remote location. This proposed change would provide for the reasonable needs of navigation. Comments on this proposal should be forwarded to the above address attention (obr) no later than **October 26, 2004**. Copies of **PUBLIC NOTICE 5-1024** which describe the change in detail can be obtained by writing to the above address or by calling (757) 398-6422. Chart 12253.

#### **NC – CAPE FEAR RIVER – NORTHEAST CAPE FEAR RIVER - BRIDGE INFORMATION**

The U.S. Coast Guard is proposing to change the regulations governing the operation of the CSX Railroad Bridge (Hilton Drawbridge) across the Northeast Cape Fear River, mile 1.5, in Wilmington, North Carolina. CSX owns and operates the Hilton Drawbridge and proposes changes to the regulation that would eliminate the tender and allow them to remotely operate the bridge. It is also proposed that the bridge will remain open for mariners and only be closed for passing trains. This proposed change would maintain the bridge's current level of operational capabilities and provide for the reasonable needs of rail transportation and vessel navigation. Comments on this proposal should be forwarded to Commander (obr), Fifth Coast Guard District, Federal Building, 4<sup>th</sup> Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004 no later than **04 October, 2004**. Copies of **PUBLIC NOTICE 5-1020**, which describes the proposal in detail can be obtained by writing to the above address or by calling (757) 398-6222. Chart 11537.

**VII. GENERAL** This section contains information of general concern to the mariner. Mariners are advised to use caution while transiting these areas. The following is a list of dredging/construction operations being conducted in the Fifth Coast Guard District. Mariners should be aware that the dredge and pontoon lines are held in place by cables, which are attached to anchors some distance from the dredge and pontoons. Buoys are attached to the anchors so that they may be moved as the dredge advances. Mariners are advised that aids to navigation may be temporarily relocated to facilitate dredging. The dredge and related equipment will be lighted and marked in accordance with International or Inland Navigation Rules and the dredge will monitor Channels 13 and 16 VHF-FM unless otherwise noted. Dredge operations are usually conducted 7 days a week, 24 hours a day. Mariners are cautioned to strictly comply with Inland Navigation Rules when approaching, passing and leaving the area of operation, to remain a safe distance from the equipment, and to contact the dredge for specific transiting information. Owners and lessees of fishnets, crabpots and other structures that may be in the vicinity and that may hinder the free navigation of attending vessels and equipment must remove these from the area where tugs, tender boats and other equipment will be navigating prior to the commencement of the dredging operations.

#### **CONSTRUCTION/DREDGING LOCAL NOTICE TO MARINERS NOTIFICATION DEADLINES**

Construction and dredging companies should notify **Commander, Fifth Coast Guard District (oan), 431 Crawford Street, Portsmouth, VA 23704-5004** at **least 3 weeks prior to operation** begin date for information to be published in the **Local Notice to Mariners**. It is requested that notification be delivered by letter or fax and followed up by telephone. Fax # (757) 398-6303 and voice Phone # (757) 398-6486 or at the D5LOCAL INTERNET SITE.

LOCATION	START/COMPLETION DATE	DREDGE/COMPANY	REF LNM
DE – Roosevelt Inlet – Lewes Beach – Dredging	26 Aug – 26 Oct 2004	MARION	35/04
DE – Delaware River – Christina River – Dredging	12 Sep – 10 Oct 2004	PULLEN	36/04
MD – Baltimore Harbor – Dredging	Until further notice	WEEKS MARINE	23/03
NJ – Cape May Inlet to Cape May Point – Beach Nourishment	20 Sep – 20 Dec 2004	R.N. WEEKS	37/04
NJ – Cape May to Oyster Creek – Dredging	10 May – 30 Sep 2004	MIKE THOMAS	18/04
VA – Norfolk Naval Station Pier 6 – Dredging	13 Sep – 15 Dec 2004	VIRGINIAN	37/04
VA – Norfolk Harbor Reach – Dredging	01 Oct – 01 Aug 2005	CHARLESTON	37/04
VA – Rappahannock RV/Hoskins Creek – Dredging	11 Sep – 23 Oct 2004	BLUE RIDGE	35/04
VA – York River – York River Refinery - Dredging	18 Aug – 30 Oct 2004	DREDGE DB-2400	32/04
VA – James River – James Island – Dredging	13 Aug – 30 Sep 2004	TANGIER	32/04

VA – Elizabeth River – Craney Island Reach – Dredging	04 Jun – 04 Jan 2005	RS WEEKS	22/04
VA – Rudee Inlet – Dredging	Until Further Notice	RUDEE II	
VA – James River –Skiffes Creek– Dredging	01 July – 30 Sep 2004	ENTERPRISE	03/04
VA – Elizabeth River – Western Branch – Bridge demolition/ Construction	Apr 2002 – Dec 2004	Tidewater Construction	16/02
NC – Lockwoods Folly – Dredging	20 Sep – 25 Oct 2005	RICHMOND	38/04
NC – Northeast Cape Fear River/Smith Creek Parkway – Bridge Construction	01 Jun – 31 Jan 2005	TIDEWATER CONSTR	19/03
NC – Oregon Inlet – Dredging	13 Sep – 12 Nov 2004	BEACHBUILDER	35/04

#### **INFORMATION CONCERNING BRIDGES ACROSS NAVIGABLE WATERS OF THE FIFTH COAST GUARD DISTRICT**

The following is a list of operating information for certain bridges within the Fifth Coast Guard District. Mariners are advised that the bridges may be operating on a temporary schedule, with reduced clearances, undergoing bridge repairs or under new bridge construction. Mariners are advised to proceed with caution, comply with Inland Navigation Rules at all bridges and to contact the bridge on channels 13 and 16 VHF-FM. For more information refer to the referenced **Local Notice To Mariner** or contact the **Commander, Fifth Coast Guard District (oan-b), 431 Crawford Street, Portsmouth, VA, 23704-5004** via written correspondence, by voice phone at (757) 398-6222., or at the LANTAREA Office Aids to Navigation INTERNET SITE.

BRIDGE	TYPE	WATERWAY	MILE	SUBJECT	COMP. DATE	LNM
Christina River Bridge	F	Delaware River	5.5	Bridge repairs	Until further notice	42/02
Ben Franklin Bridge		Delaware River	100.2	Painting/sandblasting	Until further notice	47/03
Third Street Bridge	B	Delaware/Christina River	2.3	Bridge repair	Until further notice	19/01
Woodrow Wilson Bridge	B	Potomac River	103.8	Bridge Replacement	Until further notice	20/01
Route 50 Hwy Bridge		Choptank River	15.6	Cleaning/Painting	05 February 2005	32/04
Choptank River Bridge		Choptank River	51.2	Painting	30 September 2004	28/04
Route 13 Bridge Pocomoke MD		Pocomoke River	15.8	Cleaning/Painting	31 October 2004	32/04
SR 123 Occoquan River		Occoquan River	5.0	Bridge construction	30 May 2005	43/03
VA Rt. 33 Mattaponi River		Mattaponi River		Bridge Construction	Nov 2006	23/04
Jones Creek		James River		Bridge Replacement	Until further notice	35/03
Weems/College Creek bridge		Weems and College Creek		Bridge Construction	Until further notice	16/04
Virginia Rt. 33/Lord Delaware Birdge.		Mattaponi River		Bridge Construction	Until further notice.	17/04

KEY: F=Fixed, DR=Draw, RIV=River, CH=Channel, HBR=Harbor, AICWW=Atlantic Intracoastal Waterway, B=Bascule, E=East(Eastern), W=West(Western), S=South(Southern), N=North(Northern), SW=Swing Bridge, SYS=System, RR=Railroad, Sked=Schedule, Constr=Construction, Rest=Restricted, SR=State Route, RSP=Removable Span, VL=Vertical Lift

#### **SUMMARY OF GENERAL ARTICLES IN EFFECT FOR THE WATERS OF THE FIFTH COAST GUARD DISTRICT**

##### **NJ – GREAT BAY – MULLICA RIVER – NACOTE CREEK - BRIDGE INFORMATION**

Mariners are advised to use caution when transiting the US 9 Bridge over Nacote Creek, mile 1.5, in Port Republic, New Jersey. Structural inspection crews will be on site from **September 20, 2004 to November 20, 2004**, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart 12316.**

LNM 38/04

##### **NJ – GREAT BAY - MULLICA RIVER – BRIDGE INFORMATION**

Mariners are advised to use caution when transiting the Route 563/Green Bank Road Bridge over Mullica River, mile 18.0, in Green Bank, New Jersey. Structural inspection crews will be on site from September 20, 2004 to November 20, 2004, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart 12316.**

LNM 38/04

##### **NJ – INTRACOASTAL WATERWAY (ICW) - LITTLE EGG HARBOR TO CAPE MAY – INSIDE THOROFARE – BRIDGE INFORMATION**

Mariners are advised to use caution when transiting the Dorset Avenue Bridge over Inside Thorofare, at ICW mile 71.2, in Ventnor City, New Jersey. Structural inspection crews will be on site from September 20, 2004 to November 20, 2004, from 8 a.m. to 4 p.m. Contractors will occupy a workboat in the vicinity. This movable operation will not impede vessel traffic. **Chart 12316.**

LNM 38/04

##### **MD – CHESAPEAKE BAY – PATAPSCO RIVER - BRIDGE INFORMATION**

Mariners are advised to take caution when approaching the Francis Scott Key Bridge over the Patapsco River, Mile 6.0, in Baltimore, Maryland. The bridge will be cleaned and painted between **September 16, 2004 and June 16, 2005**. Barges will be used but the channel shall remain open/unrestricted for the passage of vessels. **Chart: 12278.**

LNM 37/04

##### **NC --LOCKWOODS FOLLY - DREDGING**

The Dredge RICHMOND will be conducting dredging operations in Lockwoods Folly from **20 September , 2004 through 25 October , 2004**. The dredge can be contacted on VHF-FM Channels 13 and 16. Mariners are requested to stay clear of the dredge, floating and submerged pipeline, buoys and wires and review comments concerning dredging operations under **General Articles VII**. Mariners are requested to exercise extreme caution and **no wake** when approaching, passing and leaving the dredge location and to strictly comply with Inland Rules of the Road and watch for indications of a submerged or partially submerged pipeline. **Charts 11534.**

# **VIII. LIGHT LIST CORRECTIONS FOR COMDTPUBP16502.2 VOLUME II, 2004 EDITION.**

An asterisk\*, indicates the column in which a correction has been made or new information added.

The 2004 Light List Summary of Corrections and an updated Light List can be found at:

<http://www.navcen.uscg.gov/pubs/LightLists/LightLists.htm>

(1) LLNR	(2) Name and Location	(3) N/W Position	(4) Characteristic	(5) Ht	(6) Rng	(7) Structure	(8) Remarks	(9) LNM
505	RUDEE INLET JETTY LIGHT 4						Remove from list. *	38/04
510	Rudee Inlet Jetty Daybeacon 5						Remove from list. *	38/04
16879 *	- Buoy 2A *	*	*	*	*	Red nun. *	*	38/04
29140	- <i>Lighted Buoy 1</i> *	34 37 27 N 76 32 25 W *	<b>FI G 4s</b>		3 *	Green. *		38/04
30372	- <i>Lighted Buoy 12</i>		<b>FI R 2.5s</b>		4 *	Red.		38/04
30805	BIG ISLAND UPPER SOUTH RANGE REAR LIGHT 400 yards, 133.8° from front light.  *		<b>Iso W 6s (day)</b> <b>Iso W 6s (night)</b>	32 35		Skeleton tower on multi-pile structure.	Visible on range line only. Lighted throughout 24 hours. Day: Visible on rangeline only. Night: Visible on all around; higher intensity on rangeline.	
32865	- LIGHT 2WC *	35 25 01 N 76 35 10 W	<b>FI R 2.5s</b>	15	3 *	TR on pile.		38/04
34345	- <i>Lighted Buoy 5</i> *	34 59 21 N 76 12 21 W	<b>FI G 2.5s</b>		3 *	Green. *		38/04
34375	- <i>Lighted Buoy 13</i> *		<b>FI G 4s</b>	*	3	Green. *		38/04
34395	- Buoy 18A *					Red nun. *		38/04
34455	- <i>Lighted Buoy 19</i> *		<b>FI G 4s</b>		4 *	Green. *		38/04
34460	- <i>Lighted Buoy 19A</i> *		<b>FI G 4s</b>	*	4	Green. *		38/04
34485	- Buoy 23 *	34 52 26 N 76 20 11 W				Green can. *		38/04
34545	- <i>Lighted Buoy 28</i> *		<b>FI R 2.5s</b>	*	4	Red. *		38/04

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## **ENCLOSURES/LINKS/MARINE EVENTS/TEMPORARY SPECIAL REGULATIONS**

### **1. Special Local Regulations for Marine Events; Southern Branch, Elizabeth River, Portsmouth, VA**

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations for the “**International Search and Rescue Competition**”, a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Southern Branch of the Elizabeth River during the event.

DATES: Comments and related material must reach the Coast Guard on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: You may mail comments and related material to Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398-6203. The Auxiliary and Recreational Boating Safety Branch, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

#### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-04-138), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

In order to provide notice and an opportunity to comment before issuing an effective rule, we are providing a shorter than normal comment period. A 30-day comment period is sufficient to allow those who might be affected by this rulemaking to submit their comments because the regulations have a narrow, local application, and there will be local notifications in addition to the Federal Register publication such as press releases, marine information broadcasts, and the Local Notice to Mariners.

#### ***Public Meeting***

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commander (oax), Fifth Coast Guard District at the address under ADDRESSES explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the Federal Register.

#### **Background and Purpose**

The United States and Canadian Coast Guard Auxiliaries will sponsor the “International Search and Rescue Competition”, a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia, on **November 5 and 6, 2004**. The event will consist of International teams competing in various events designed to demonstrate competence in maritime search and rescue techniques. To provide for the safety of participants, spectators and support vessels, the Coast Guard proposes to temporarily restrict vessel traffic in the Southern Branch of the Elizabeth River, including the North Ferry Landing, during the event.

#### **Discussion of Proposed Rule**

The Coast Guard proposes to establish temporary special local regulations on waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia. The temporary regulations would be in effect from 8 a.m. to 6 p.m. on November 5 and 6, 2004. The effect would be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel would be allowed to enter or remain in the regulated area. The proposed regulated area is needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

#### **Regulatory Evaluation**



This proposed rule is not a "significant regulatory action" under section 3 (f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6 (a) (3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this proposed regulation would prevent traffic from transiting the Southern Branch of the Elizabeth River during the event, the effect of this proposed regulation would not be significant due to the limited duration that the regulated area will be in effect, and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic would be able to transit the Southern Branch of the Elizabeth River whenever the Coast Guard Patrol Commander determines it safe to do so.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 - 612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605 (b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit the Southern Branch of the Elizabeth River during the event.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a short period. The proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be allowed to transit the Southern Branch of the Elizabeth River whenever the Coast Guard Patrol Commander determines it safe to do so. Before the enforcement period, we would issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213 (a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under ADDRESSES. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

*The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.*

#### Taking of Private Property

*This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.*

#### Civil Justice Reform

*This proposed rule meets applicable standards in sections 3 (a) and 3 (b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.*

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### **Indian Tribal Governments**

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

## Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections.

Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

## List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 100 as follows:

## PART 100-SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1

2. Add temporary § 100.35-T05-138 to read as follows:

### § 100.35-T05-138: Southern Branch, Elizabeth River, Portsmouth, VA

(a) Regulated area. The regulated area is established for the waters of the Southern Branch of the Elizabeth River including the North Ferry Landing, from shoreline to shoreline, bounded to the north by a line drawn along Latitude 36°50'23" N and bounded to the south by a line drawn along Latitude 36°50'12" N. All coordinates reference Datum NAD 1983.

(b) Definitions:

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) Special local regulations:

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(d) Effective period. This section is effective from 8 a.m. to 6 p.m. on November 5 and 6, 2004.

DATED: August 16, 2004

BEN R. THOMASON, III  
Captain, U.S. Coast Guard  
Acting Commander, Fifth Coast Guard District

## **2. Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA**

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations for the "Power in the Park" hydroplane races, a marine event to be held on the waters of the Southern Branch of the Elizabeth River at Portsmouth, Virginia on **September 25 and 26, 2004**. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Western Branch of the Elizabeth River during the event.

DATES: Comments and related material must reach the Coast Guard on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER.].

ADDRESSES: You may mail comments and related material to Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax

them to (757) 398-6203. The Auxiliary and Recreational Boating Safety Branch, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays. FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-04-152), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

In order to provide notice and an opportunity to comment before issuing an effective rule, we are providing a shorter than normal comment period. A 30-day comment period is sufficient to allow those who might be affected by this rulemaking to submit their comments because the regulations have a narrow, local application, and there will be local notifications in addition to the Federal Register publication such as press releases, marine information broadcasts, and the Local Notice to Mariners.

##### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commander (oax), Fifth Coast Guard District at the address under ADDRESSES explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the Federal Register.

##### Background and Purpose

The Virginia Boat Racing Association will sponsor the "Power in the Park" hydroplane races, a marine event to be held on the waters of the Western Branch of the Elizabeth River at Portsmouth, Virginia, on **September 25 and 26, 2004**. The event will consist of hydroplanes racing in heats around an oval course adjacent to Portsmouth City Park. To provide for the safety of participants, spectators and support vessels, the Coast Guard proposes to temporarily restrict vessel traffic in the event area during the races.

##### Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on waters of the Western Branch of the Elizabeth River at Portsmouth, Virginia. The temporary regulations would be in effect from 7:30 a.m. to 6:30 p.m. on September 25 and 26, 2004. The effect would be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel would be allowed to enter or remain in the regulated area. The proposed regulated area is needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

##### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3 (f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6 (a) (3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this proposed regulation would prevent traffic from transiting or anchoring in the affected section of the Western Branch of the Elizabeth River during the event, the effect of this proposed regulation would not be significant due to the limited duration that the regulated area would be in effect and the extensive advance notifications that would be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic would also be allowed to transit the regulated area between heats, when the Patrol Commander determines it safe to do so.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 - 612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605 (b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the Western Branch of the Elizabeth River during the event.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a short period. The proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessels desiring to transit the Western Branch of the Elizabeth River during the event would be allowed to transit the regulated area between heats, when the Patrol Commander determines it safe to do so. Before the enforcement period, we would issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

##### Assistance for Small Entities

Under section 213 (a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under ADDRESSES. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

##### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520.).

#### Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

#### *Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### *Taking of Private Property*

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### *Civil Justice Reform*

This proposed rule meets applicable standards in sections 3 (a) and 3 (b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### *Protection of Children*

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### **Indian Tribal Governments**

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### **Energy Effects**

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### **Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### *Environment*

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under those sections.

Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are

not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

#### *List of Subjects in 33 CFR Part 100*

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 100 as follows:

#### **PART 100-SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, Department of Homeland Security Delegation No. 0170.1.

2. Add temporary § 100.35-T05-152 to read as follows:

§ 100.35-T05-152: Western Branch, Elizabeth River, Portsmouth, VA

(a) Regulated area. The regulated area is established for the waters of the Western Branch of the Elizabeth River from shoreline to shoreline, bounded to the east by a line drawn along Longitude 076°21'59" West and bounded to the west by a line drawn along Longitude 076°22'43" West. All coordinates reference Datum NAD 1983.

(b) Definitions.

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(c) Special local regulations.

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

- (2) The operator of any vessel in the regulated area shall:
- (i) Stop the vessel immediately when directed to do so by any Official Patrol.
  - (ii) Proceed as directed by any Official Patrol.
  - (d) Enforcement period. This section will be enforced from 7:30 a.m. to 6:30 p.m. on September 25 and 26, 2004.
- DATED: August 18, 2004

### **3 Special Local Regulations for Marine Events; Choptank River, Cambridge, MD**

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations during the "Cambridge Offshore Challenge", a marine event to be held over the waters of the Choptank River at Cambridge, Maryland. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the Choptank River during the event.

DATES: Comments and related material must reach the Coast Guard on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER.]

ADDRESSES: You may mail comments and related material to Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398-6203. The Auxiliary and Recreational Boating Safety Branch, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

#### **SUPPLEMENTARY INFORMATION:**

##### *Request for Comments*

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05-04-147), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

In order to provide notice and an opportunity to comment before issuing an effective rule, we are providing a shorter than normal comment period. A 30-day comment period is sufficient to allow those who might be affected by this rulemaking to submit their comments because the regulations have a narrow, local application, and there will be local notifications in addition to the Federal Register publication such as press releases, marine information broadcasts, and the Local Notice to Mariners.

##### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address listed under ADDRESSES explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the Federal Register.

##### *Background and Purpose*

On September 26, 2004, the Chesapeake Bay Powerboat Association will sponsor the "2004 Cambridge Offshore Challenge", on the waters of the Choptank River at Cambridge, Maryland. The event will consist of approximately 50 offshore powerboats conducting high-speed competitive races between the Route 50 bridge and Chancellor Point. A fleet of approximately 250 spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

### Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of the Choptank River. The temporary special local regulations will be enforced from 10:30 a.m. to 5:30 p.m. on September 26, 2004, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

### Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Choptank River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so.

### *Small Entities*

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Choptank River during the event.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a limited period. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under ADDRESSES. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### *Collection of Information*

*This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520.).*

#### *Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism. Unfunded Mandates Reform Act

*The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.*

#### *Taking of Private Property*

*This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.*

#### *Civil Justice Reform*

*This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.*

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### *Energy Effects*

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### **Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards



## Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

### *List of Subjects in 33 CFR Part 100*

*Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.*

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### PART 100-SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

2. Add a temporary § 100.35-T05-147 to read as follows:

#### § 100.35-T05-147 Choptank River, Cambridge, MD

##### (a) Definitions:

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) Participant includes all vessels participating in the 2004 Cambridge Offshore Challenge under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Activities Baltimore.

(4) Regulated area includes all waters of the Choptank River, from shoreline to shoreline, bounded to the west by the Route 50 bridge and bounded to the east by a line drawn longitude 076°01'30" W at Chancellor Point. All coordinates reference Datum: NAD 1983.

##### (b) Special local regulations:

(1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) Unless otherwise directed by the Official Patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) Enforcement period. This section will be enforced from 10:30 a.m. to 5:30 p.m. on September 26, 2004.

Dated: 16 August 2004

Ben R. Thomason, III  
Captain, U.S. Coast Guard

Commander, Fifth Coast Guard District  
Acting

#### **4. Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ**

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation during the "Sunset Lake Hydrofest", a marine event to be held **October 2 and 3, 2004**, on the waters of Sunset Lake, Wildwood Crest, New Jersey. This special local regulation is necessary to provide for the safety of life on navigable waters during the event. This action will restrict vessel traffic in portions of Sunset Lake during the event.

DATES: This rule is effective from 7:00 a.m. on **October 2, 2004 to 6:00 p.m. on October 3, 2004**.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket CGD05-04-160 and are available for inspection of copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

#### **SUPPLEMENTARY INFORMATION:**

##### *Regulatory Information*

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and (d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this regulation effective less than 30 days after publication in the Federal Register. Publishing a NPRM and delaying its effective date would be contrary to public interest, since immediate action is needed to protect event participants, spectator craft and other vessels transiting the event area from the dangers in high-speed power boats racing. Additionally, the parameters of the safety zone are limited to the race area, and the length of time this zone will be effective is limited to the times and dates of the event.

##### *Background and Purpose*

On October 2 and 3, 2004, the Sunset Lake Hydrofest Association will sponsor the "Sunset Lake Hydrofest", on the waters of Sunset Lake near Wildwood Crest, New Jersey. The event will consist of approximately 100 inboard hydroplanes, Jersey Speed Skiffs and flat-bottom Ski boats racing in heats counter-clockwise around an oval racecourse. A fleet of approximately 100 spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

##### Discussion of Rule

The Coast Guard is establishing a temporary special local regulation on specified waters of Sunset Lake. The temporary special local regulation will be enforced from 7:30 a.m. to 4:30 p.m. on October 2 and 3, 2004, and will restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel will be allowed to enter or remain in the regulated area. This regulation is needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

##### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation prevents traffic from transiting a portion of Sunset Lake during the event, the effect of this regulation would not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the

maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic would be able to transit Sunset Lake by navigating around the regulated area.

#### *Small Entities*

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Sunset Lake during the event.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a limited period. Vessel traffic could pass safely around the regulated area. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under ADDRESSES. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### *Collection of Information*

*This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520.).*

#### *Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### *Taking of Private Property*

*This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.*

#### *Civil Justice Reform*

*This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.*

#### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is

not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### *Energy Effects*

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards

#### Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

Under figure 2-1, paragraph (34)(h), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

#### *List of Subjects in 33 CFR Part 100*

*Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.*

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### PART 100-SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

3. Add temporary § 100.35-T05-160 to read as follows:

§ 100.35-T05-160 Sunset Lake, Wildwood Crest, NJ

#### (a) Definitions:

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Atlantic City.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Group Atlantic City with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) Participant includes all vessels participating in the Sunset Lake Hydrofest under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Group Atlantic City.

(4) Regulated area includes all waters of Sunset Lake, New Jersey, from shoreline to shoreline, south of latitude 38°58'32" N. All coordinates reference Datum: NAD 1983.

(b) Special local regulations:

(1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) Unless otherwise directed by the Official Patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) Enforcement period. This section will be enforced from 7:30 a.m. to 4:30 p.m. on October 2 and 3, 2004.

Dated: September 14, 2004

BEN R. THOMASON, III  
Captain, U.S. Coast Guard

## **5. Special Local Regulations for Marine Events; Virginia Beach, VA**

**ACTION:** Notice of implementation of regulation.

**SUMMARY:** The Coast Guard is implementing the special local regulations at 33 CFR 100.522 during the Neptune Festival Fireworks to be held September 25, 2004, in the vicinity of the Virginia Beach Fishing Pier, Virginia Beach, VA. This action is necessary to provide for the safety of life on navigable waters during the event. The effect will be to restrict general navigation in the regulated area for the safety of participants and vessels transiting the event area.

**EFFECTIVE DATES:** 33 CFR 100.522 is effective from 8:45 p.m. to 10:00 p.m. on **September 25, 2004**.

**FOR FURTHER INFORMATION CONTACT:** Michael Bowling, Project Manager, Coast Guard Group Hampton Roads, VA, at (757) 483-8567.

**SUPPLEMENTARY INFORMATION:** The Virginia Beach Neptune Festival will sponsor the fireworks display on **September 25, 2004** over the coastal waters in the vicinity of the Virginia Beach Fishing Pier, Virginia Beach, Virginia. The pyrotechnic display will be launched from the fishing pier located within the regulated area. A fleet of spectator vessels is expected to gather nearby to view the event. Therefore, to ensure the safety of spectators and transiting vessels, 33 CFR 100.522 will be in effect for the duration of the event. Under provisions of 33 CFR 100.522, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

## **6. Special Local Regulation for Marine Events; Choptank River, Cambridge, MD**

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations during the "Cambridge Offshore Challenge", a marine event to be held over the waters of the Choptank River at Cambridge, Maryland. These special local regulations are necessary to provide for the safety of life on navigable

waters during the event. This action is intended to restrict vessel traffic in the Choptank River during the event.

DATES: This rule is effective from 10:30 a.m. to 5:30 p.m. on **September 26, 2004**.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05-04-147 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis Sens, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

#### SUPPLEMENTARY INFORMATION:

##### *Regulatory Information*

On August 27, 2004, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations for Marine Events; Choptank River, Cambridge, MD in the Federal Register (69 FR 52615). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Under 5 USC 53(d)(3) the Coast Guard finds good cause exists for making this rule effective less than 30 days after publication in the Federal Register because the event will take place on September 26, 2004.

##### *Background and Purpose*

On September 26, 2004, the Chesapeake Bay Powerboat Association will sponsor the "2004 Cambridge Offshore Challenge", on the waters of the Choptank River at Cambridge, Maryland. The event will consist of approximately 50 offshore powerboats conducting high-speed competitive races between the Route 50 bridge and Chancellor Point. A fleet of approximately 250 spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

##### *Discussion of Comments and Changes*

*No comments were received in response to the notice of proposed rulemaking (NPRM) published in the Federal Register. Accordingly, the Coast Guard is establishing temporary special local regulations on specified waters of the Choptank River. Since no comments were received, no changes to this regulation were made.*

##### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of the Choptank River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so.

##### *Small Entities*

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and

operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Choptank River during the event.

This rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This rule would be in effect for only a limited period. Vessel traffic will be able to transit the regulated area between heats, when the Coast Guard Patrol Commander deems it is safe to do so. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under ADDRESSES. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

#### *Collection of Information*

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### *Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.



### *Taking of Private Property*

*This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.*

### *Civil Justice Reform*

*This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.*

### Protection of Children

*We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.*

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### *Energy Effects*

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

### **Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### *Environment*

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

### *List of Subjects in 33 CFR Part 100*

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### **PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

2. Add temporary § 100.35-T05-147 to read as follows:

§ 100.35-T05-147, Choptank River, Cambridge, MD

(a) Definitions:

(1) Coast Guard Patrol Commander means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(2) Official Patrol means any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) Participant includes all vessels participating in the 2004 Cambridge Offshore Challenge under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Activities Baltimore.

(4) Regulated area includes all waters of the Choptank River, from shoreline to shoreline, bounded to the west by the Route 50 bridge and bounded to the east by the longitude line at 076°01'30" W that passes through Chancellor Point. All coordinates reference Datum: NAD 1983.

(b) Special local regulations:

(1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) Unless otherwise directed by the Official Patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) Enforcement period. This section will be enforced from 10:30 a.m. to 5:30 p.m. on **September 26, 2004**.

Dated: September 20, 2004

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**SALLY BRICE-O'HARA**  
Rear Admiral, U.S. Coast Guard  
Commander, Fifth Coast Guard District

